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Nashville Office

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June 16, 2005

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Chairman Pat Miller  
Attn: Sharla Dillon  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

VIA HAND DELIVERY

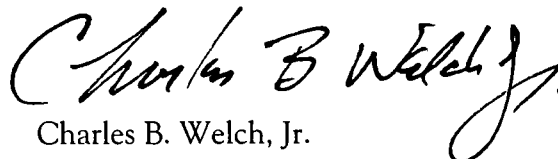
RE: Tennessee Department of Environment and Conservation State Operating Permit  
IRM Utility, Inc. Petition to amend Certificate of Convenience and Necessity  
(Docket No. 04-00268)

Dear Chairman Miller:

Pursuant to Order of this Authority, please find enclosed fifteen (15) copies of the referenced Tennessee Department of Environment and Conservation State Operating Permit for IRM Utility, Inc.'s Lashbrooke Subdivision. Please date stamp a copy for our records. Thank you for your assistance regarding this matter. If you have any questions, or if I may be of further assistance, please do not hesitate to contact me.

Very truly yours,

FARRIS MATHEWS BRANAN  
BOBANGO HELLEN & DUNLAP, PLC

  
Charles B. Welch, Jr.

CBW/ks

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL**

6th Floor, L & C Annex  
401 Church Street  
Nashville, TN 37243-1534

**Permit No. SOP-04069**

**PERMIT  
For the operation of Wastewater Treatment Facilities**

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In accordance with the provision of Tennessee Code Annotated section 69-3-108 and Regulations promulgated pursuant thereto:

**PERMISSION IS HEREBY GRANTED TO**

Integrated Resource Management - Lashbrooke Subdivision  
Louisville, Blount County, Tennessee

**FOR THE OPERATION OF**

Septic tanks, collection system, recirculating biofilter, UV disinfection and drip irrigation system located at latitude 35.847500 and longitude -84.033333 in Blount County, Tennessee. The design capacity of the system is 0.042 MGD.

This permit is issued as a result of the application filed on December 6, 2004, in the office of the Tennessee Division of Water Pollution Control and in conformity with approved plans, specifications and other data submitted to the Department in support of the above application, all of which are filed with and considered as a part of this permit, together with the following named conditions and requirements.

**This permit shall become effective on: April 1, 2005**

**This permit shall expire on: February 28, 2010**

**Issuance date: February 28, 2005**

*Edward M. Polk, Jr.*  
for Paul E. Davis  
Director  
Division of Water Pollution Control

CN-0759

RDAs 2352 & 2366

## PART I

### A. GENERAL REQUIREMENTS

The treatment system shall be monitored by the permittee as specified below:

<u>Parameter</u>	<u>Sample Type</u>	<u>Daily Maximum</u>	<u>Sampling Point</u>	<u>Measurement Frequency</u>
Flow	instantaneous		*	1/month
BOD <sub>5</sub>	grab	45 mg/l	*	1/quarter
Nitrate	grab	25 mg/l	*	1/quarter
Ammonia as N	grab	Report	*	1/quarter
<i>E. Coli</i>	grab	23 colonies/100 ml	*	1/quarter

\* Effluent to the drip irrigation plots.

The permittee must disinfect the wastewater in order to meet the above *E. Coli* limit.

Sludge or any other material removed by any treatment works must be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material must be in compliance with the Tennessee Solid Waste Disposal Act, TCA 68-31-101 et seq. and Tennessee Hazardous Waste Management Act, TCA 68-46-101 et seq.

This permit allows the operation of a wastewater drip irrigation system. The operation should be such that there is no contamination of and no wastewater discharge to any surface or subsurface stream because of collected pools of water called "ponding" or because of improper irrigation. Any runoff due to improper operation must be reported in writing to the Division of Water Pollution Control, Environmental Assistance Center - Knoxville within 5 days of the incident. In addition, the drip irrigation system must be operated in a manner preventing the creation of a public health hazard or a public/private nuisance.

### B. MONITORING PROCEDURES

#### I. Representative Sampling

Samples and measurements taken in compliance with the monitoring requirements specified above shall be representative of the volume and nature of the monitored discharge, and shall be taken at the following location(s):

Effluent to drip irrigation plots.

## **C. DEFINITIONS**

The "daily maximum concentration" is a limitation on the average concentration, in milligrams per liter, of the discharge during any calendar day.

A "grab sample" is a single influent or effluent sample collected at a particular time.

A "quarter" is defined as any one of the following three-month periods: January 1 through March 31, April 1 through June 30, July 1 through September 30, and/or October 1 through December 31.

## **D. REPORTING**

### **1. Monitoring Results**

Monitoring results shall be recorded quarterly and submitted quarterly. Submittals shall be postmarked no later than 15 days after the completion of the reporting period. A copy should be retained for the permittee's files. Operation reports and any communication regarding compliance with the conditions of this permit must be sent to:

Division of Water Pollution Control  
Environmental Assistance Center - Knoxville  
2700 Middlebrook Pike, Suite 220  
Knoxville, TN 37921

The first operation report is due on the 15<sup>th</sup> of the month following permit effectiveness

### **2. Additional Monitoring by Permittee**

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Quarterly Operation Report. Such increased frequency shall also be indicated.

### **3. Falsifying Reports**

Knowingly making any false statement on any report required by this permit may result in the imposition of criminal penalties as provided for in Section 69-3-115 of the Tennessee Water Quality Control Act.

## **E. SCHEDULE OF COMPLIANCE**

Full operational level shall be attained from the effective date of this permit.

## **PART II**

### **A. GENERAL PROVISIONS**

#### **1. Duty to Reapply**

The permittee is not authorized to discharge after the expiration date of this permit. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit such information and forms as are required to the Director of Water Pollution Control (the "Director") no later than 180 days prior to the expiration date.

#### **2. Right of Entry**

The permittee shall allow the Director, or authorized representatives, upon the presentation of credentials:

a. To enter upon the permittee's premises where an effluent source is located or where records are required to be kept under the terms and conditions of this permit, and at reasonable times to copy these records;

b. To inspect at reasonable times any monitoring equipment or method or any collection, treatment, pollution management, or discharge facilities required under this permit; and

c. To sample at reasonable times any discharge of pollutants.

#### **3. Availability of Reports**

All reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of Water Pollution Control.

#### **4. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory and process controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. Backup continuous pH and flow monitoring equipment are not required.

The monitoring frequency stated in this permit shall not be construed as specifying a minimum level of operator attention to the facility. The permittee shall ensure that the certified operator is in responsible charge of the facility and observes the operation of the system

frequently enough to ensure its proper operation and maintenance regardless of the effluent monitoring frequency stated in the permit."

- b. Dilution water shall not be added to comply with effluent requirements

## 5. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

## 6. Severability

The provisions of this permit are severable. If any provision of this permit due to any circumstance, is held invalid, then the application of such provision to other circumstances and to the remainder of this permit shall not be affected thereby.

## 7. Other Information

If the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, then he shall promptly submit such facts or information.

# B. CHANGES AFFECTING THE PERMIT

## 1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.

## 2. Permit Modification, Revocation, or Termination

- a. This permit may be modified, revoked and reissued, or terminated for cause as described in section 69-108-(F) The Tennessee Water Quality Control Act as amended.

- b. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

## 3. Change of Ownership

This permit may be transferred to another person by the permittee if:

- a. The permittee notifies the Director of the proposed transfer at least 30 days in advance of the proposed transfer date;
- b. The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage, and liability between them; and
- c. The Director, within 30 days, does not notify the current permittee and the new permittee of his intent to modify, revoke or reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

#### 4. Change of Mailing Address

The permittee shall promptly provide to the Director written notice of any change of mailing address. In the absence of such notice the original address of the permittee will be assumed to be correct.

### C. NONCOMPLIANCE

#### 1. Effect of Noncompliance

Any permit noncompliance constitutes a violation of applicable State laws and is grounds for enforcement action, permit termination, permit modification, or denial of permit reissuance.

#### 2. Reporting of Noncompliance

##### a. 24-Hour Reporting

In the case of any noncompliance which could cause a threat to public drinking supplies, or any other discharge which could constitute a threat to human health or the environment, the required notice of non-compliance shall be provided to the appropriate Division environmental assistance center within 24 hours from the time the permittee becomes aware of the circumstances. (The environmental assistance center should be contacted for names and phone numbers of emergency response personnel.)

A written submission must be provided within five days of the time the permittee becomes aware of the circumstances unless this requirement is waived by the Director on a case-by-case basis. The permittee shall provide the Director with the following information:

- i. A description of the discharge and cause of noncompliance;
- ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- iii. The steps being taken to reduce, eliminate, and prevent recurrence of the non complying discharge.

b. Scheduled Reporting

For instances of noncompliance which are not reported under subparagraph 2.a. above, the permittee shall report the noncompliance on the Monthly Operation Report. The report shall contain all information concerning the steps taken, or planned, to reduce, eliminate, and prevent recurrence of the violation and the anticipated time the violation is expected to continue.

**D. LIABILITIES**

1. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of wastewater to any surface or subsurface waters. Additionally, notwithstanding this Permit, it shall be the responsibility of the permittee to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

2. Liability Under State Law

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law.



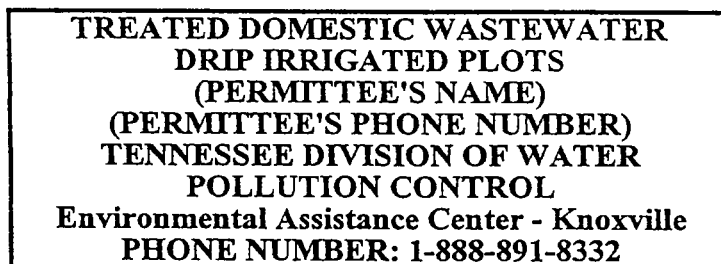
### **PART III OTHER REQUIREMENTS**

#### **A. CERTIFIED OPERATOR**

The waste treatment facilities shall be operated under the supervision of a Biological natural system operator and the collection system operated under the supervision of a Grade I Collection System certified operator in accordance with the Water Environmental Health Act of 1984.

#### **B. PLACEMENT OF SIGNS**

The permittee shall place a sign at all approaches to the drip irrigation lot. The sign should be clearly visible to the public. The minimum sign size should be two feet by two feet (2' x 2') with one inch (1") letters. The sign should be made of durable material and have a white background with black letters.



No later than sixty (60) days from the effective date of the permit, the permittee shall have the above sign(s) on display in the location specified.

#### **C. ADDITION OF WASTE LOADS**

The permittee may not add wasteloads to the existing treatment system without the knowledge and approval of the division.

#### **D. SEPTIC TANK OPERATION**

The proper operation of this treatment system depends, largely, on the efficient use of the septic tank. The solids that accumulate in the tank shall be removed at a frequency that is sufficient to insure that the treatment plant will comply with the discharge requirements of this permit.

#### **E. SEPTAGE MANAGEMENT PRACTICES**

The permittee must comply with the provisions of 40 CFR Part 503. If the septage is transported to another POTW for disposal, the permittee shall note the amount of septage wasted in gallons, % solids of septage wasted and the name of the facility to which the septage was taken on the monthly operation report.

## REQUIREMENTS FOR MAKING A PERMIT APPEAL

### Permit Appeal (Tennessee Department of Conservation, Chapter 1200-4-1.05(6), and T.C.A. Section 69-3-110)

1. Petitions must be made within 30 days of the receipt of the final permit.
2. Petitions shall contain the following:
  - (a) The name, mailing address, and telephone number of the person mailing the request and the names and addresses of all persons he or she represents;
  - (b) A clear and concise statement of each legal or factual matter alleged to be issue; and
  - (c) Specific reference to each permit condition which the petitioner contests. The petitioner may suggest alternate permit terms which would meet the requirements of the Water Quality Control Act; if the petitioner challenges permit conditions which are justified in the fact sheet (or Rationale), the petitioner should indicate how the basis for the permit condition is in error or indicate why an alternate condition is necessary
3. Petitions should be addressed to the Water Quality Control Board and filed in duplicate at the following address: Paul E. Davis, Director; Division of Water Pollution Control, Department of Environment and Conservation; 401 Church Street; L&C Annex, Sixth Floor; Nashville, Tennessee 37243-1534.
4. The appeal of a permit or a permit condition has the effect of staying the contested provisions. Therefore, if a permit is being reissued, the permittee will be considered to be authorized under the terms of the old permit and/or any unappealed terms of the reissued permit. If it is a new permit, the applicant will be considered to be without a permit for the activity until final agency action.

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